

ESTTA Tracking number: **ESTTA643865**Filing date: **12/11/2014**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Scrub Daddy, Inc.		
Entity	Corporation	Citizenship	Pennsylvania
Address	6 Horne Drive Folcroft, PA 19032 UNITED STATES		

Attorney information	Norman E. Lehrer Norman E. Lehrer, P.C. 1205 North Kings Highway Cherry Hill, NJ 08034 UNITED STATES patents@pobox.com Phone:856.429.4100
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Registration Subject to Cancellation

Registration No	4053362	Registration date	11/08/2011
Registrant	Grandway Honduras, LLC 12218 South Lone Peak Pkwy, Suite 101 Draper, UT 84020 UNITED STATES		

Goods/Services Subject to Cancellation

Class 021. First Use: 2010/03/30 First Use In Commerce: 2011/01/31 All goods and services in the class are cancelled, namely: Disposable gloves for home use; Disposable latex and nitrile gloves for general use; Disposable latex gloves for general use; Gardening gloves; Household gloves for general use

Grounds for Cancellation

<i>Torres v. Cantine Torresella S.r.l. Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
Abandonment	Trademark Act section 14

Attachments	4879-54.Cancel.PetitionToCx.pdf(81057 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Norman E. Lehrer/
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Name	Norman E. Lehrer
Date	12/11/2014

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

SCRUB DADDY, INC.,	:	
	:	PETITION FOR CANCELLATION
Petitioner,	:	
	:	
v.	:	CANCELLATION NO.
	:	
GRANDWAY HONDURAS, LLC,	:	
	:	Registration No. 4,053,362
Respondent.	:	Issued: November 8, 2011

Petitioner, Scrub Daddy, Inc., believes that it is or will be damaged by
Registration No. 4,053,362 and hereby petitions to cancel the same.

As grounds for this petition, it is alleged that:

1. Petitioner is a corporation of the Commonwealth of Pennsylvania with its principal place of business at 6 Horne Drive, Folcroft, Pennsylvania 19032.
2. On information and belief, the registration is owned by Grandway Honduras, LLC, a Utah limited liability company, having an address of Suite 101, 12218 South Lone Peak Parkway, Draper, Utah 84020.

FRAUD

3. On information and belief, the registration was obtained by fraud.
On August 17, 2011, Respondent filed a Statement of Use alleging that the mark DIASY (“Mark”) was used in commerce in connection with all of the goods listed in the registration. On information and belief, as of August 17, 2011, the Mark had not been used in commerce in connection with all of the goods.

4. On information and belief, at the time that the Statement of Use was filed, Respondent knew that the Mark had not been used in connection with all of the

listed goods and intentionally made a false statement to induce the Patent and Trademark Office to issue a registration to Respondent.

ABANDONMENT

5. On information and belief, Respondent has abandoned the Mark. On information and belief, Respondent has discontinued the use of the Mark without the intent to continue the use of the same in that Respondent has not sold any of the goods listed in the Registration in the United States for at least the past three years.

6. On August 28, 2013 Petitioner filed an application with the Patent and Trademark Office to register the mark SCRUB DAISY for scrub sponges.

7. There exists a likelihood of confusion, at least in the mind of the Trademark Examining Attorney, between the usages by Respondent and Petitioner of their respective marks since Petitioner's application has been refused based on Respondent's registered Mark. Accordingly, Petitioner is likely to be damaged by said registration in that Petitioner's attempt to register its mark is being impaired by the continued registration of Respondent's Mark.

WHEREFORE, Petitioner prays that Registration No. 4,053,362 be canceled and that this Petition for Cancellation be sustained in favor of Petitioner.

SCRUB DADDY, INC.

By: /Norman E. Lehrer/
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Dated: December 11, 2014